srp.

HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4193 OF 2007.

Ganpatrao Balu Pomaje,
Age: 50 years, Occu: Agri.
R/o: Ward No.2, Kurundwad,
Tal: Shirol, Dist: Kolhapur. ..Petitioner.

Versus.

1. State of Maharashtra
Through Urban Development Dept.,
Mantralaya, Mumbai.

2. The Collector of Kolhapur.

3. Trambak Dhengle-Patil,
at present working as Project Officer
in Jaysingpur Mun. Council, Jaysingpur.

4. Rajendra Phatale, Cheif Officer,
Kurundwad Municipal Council,
Kurundwad.

5. Uday Ramchandra Dange,
r/a: Ward No.6, Kurundwad,
Tal: Shirol, Dist: Kolhapur. ..Respondents.

Mr. Y. S. Jahagirdar a/w D. V. Sutar for the petitioner.

Mr. A. Y. Sakhare a/w Mr. Chirag Shah i/b M/s. YKS Legal for the respondents.

Mr. A. H. Palekar A.G.P. for the respondent nos. 1 to 3 - State.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.

DATE: JULY 31, 2007.

ORAL JUDGMENT.

1. Rule. By consent rule is made returnable forthwith. Heard learned counsel for the parties.

2. Learned counsel for the petitioner states that the facts in this petition are identical with the facts in Writ Petition No. 4191 of 2007.

3. We also find that in this petition order passed by the respodnent no.2 does not record any reason for the same. In the circumstances, this petition is allowed with the following directions.

4. Impugned order dated 4.5.2007 passed by the respondent no.2 is hereby set aside. Matter is remanded back to the respondent no.2. Respondent No.2 is directed to pass a speaking order after hearing the parties and he is directed to record reasons for his order.

5. Since matter pertains to the disqualification of a membership, the respondent no.2 shall decide the matter within a period of eight weeks from today. We make it clear that we have not expressed any opinion on the merits of the rival contentions of the parties.

6. Rule is made absolute to the extent indicated above.

(D.G.KARNIK, J.) (S.B.MHASE, J.)